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OIP E TRANSMITTAL FORM MAR 24 2006 U.S. PATENT & TRADEMARK OFFICE (to be used for all correspondence after initial filing)	Application Number	10/781,395	
	Filing Date	February 18, 2004	
	First Named Inventor	John H. Gillen	
	Art Unit	3634	
	Examiner Name	Jerry E. Redman	
Total Number of Pages in This Submission	4	Attorney Docket Number	1-15972

ENCLOSURES (Check all that apply)

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Remarks Response to Restriction/Election Requirement dated March 6, 2006		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MARSHALL & MELHORN, LLC.		
Signature	<i>Stephen G. Kimmet</i>		
Printed name	Stephen G. Kimmet		
Date	March 22, 2006	Reg. No.	52,488

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Typed or printed name	Roberta A. Winzeler	Date	March 22, 2006

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Roberta A. Winzeler

(Name)

Roberta A. Winzeler

(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
John H. Gillen)	Group Art Unit: 3634
)	
Serial No.: 10/781,395)	Examiner: Jerry E. Redman
)	
Filing Date: February 18, 2004)	Attorney Docket: 1-15972
)	
For: POWER SLIDER DRIVE)	
INTERFACE)	

March 22, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO A RESTRICTION/ELECTION REQUIREMENT

Honorable Sir:

This paper is in response to the restriction/election requirement dated March 6, 2006.

The Examiner has required restriction of the claims of the present application under 35 U.S.C. § 121 between, what the Examiner asserts are, patentably distinct species: Group I - Figs. 1, 2a, 3, and 4; Group II - Fig 2b; and Group III - Fig 2c.

The applicant has been required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner takes the position that the

species are independent or distinct, because each group discloses a different slider interface and that currently no claims are generic.

Applicant respectfully traverses the election of species requirement. Applicant submits that the Examiner has not met the burden of proving the restriction of species is proper. MPEP§803 requires that two conditions be met for a proper requirement for restriction between patentably distinct inventions; i.e., (1) the inventions must be independent or distinct as claimed, and (2) there must also be a serious burden on the Examiner if restriction is not required (see MPEP§803.02; §806.04(a)-(j); §808.01(a); and §808.02).

MPEP§803 also requires that the Examiner provide reasons to support the conclusion that the restriction of the various species is proper. The Office Action fails to provide any such reasons or examples to support the restriction requirements of the various species. Such reasons are hereby requested for each species that the Examiner believes should be restricted for the present invention. Applicant submits that in view of the preceding discussion, that without such reasons and examples, the restriction of the various species cannot be proper.

Moreover, applicant notes that at least claims 1-5 are generic, as each of the embodiments/species identified by the Examiner falls within the scope of each of such claims.

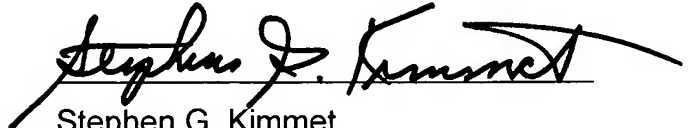
Applicant hereby provisionally elects, with traverse as noted, Group I, which the Examiner has indicated is represented by Figs. 1, 2a, 3, and 4 of the present application. Applicant submits that all claims (i.e., claims 1-13) read on the subject matter disclosed in Figs. 1, 2a, 3, and 4.

Applicant has made the above election of the invention to comply with 35 U.S.C. § 121 for the sole purpose of prosecution on the merits. Applicant's election should not be construed in any way to limit the scope or spirit of any of the embodiments of the present invention disclosed in the application.

Appl. No.10/781,395
Response Dated March 22, 2006
Reply to Office action of March 6, 2006

It is now believed that an action on the merits is in order and such is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen G. Kimmet", written over a horizontal line.

Stephen G. Kimmet
Registration No. 52,488

ATTORNEYS/AGENT
Marshall & Melhorn, LLC
Four SeaGate – 8th Floor
Toledo, Ohio 43604
Phone: (419) 249-7132
Fax: (419) 249-7151